

REMARKS

The Examiner is requiring an election of species for **each** of Claims 6-9. However, the Examiner is not explicit as to how specific the species have to be. Thus, depending on how specific a species is required, Applicants elect as follows:

(1) As between (a) thermoplastic resin, (b) thermosetting resin, or (c) combination of thermoplastic resin and thermosetting resin of Claims 6 or 7 (now Claims 13 or 14), Applicants elect (b) thermosetting resin.

(2) As between specific thermoplastic resins of Claims 6 or 7 (now Claims 13 or 14), Applicants elect aromatic polyester resin.

(3) As between specific thermosetting resins of Claims 6 or 7 (now Claims 13 or 14), Applicants elect epoxy resin.

(4) As between (a) ferrite magnetic material, (b) ferromagnetic material, (c) dielectric material, or (d) a combination of at least two thereof of Claims 8 or 9 (now Claims 15 or 16), Applicants elect (a) ferrite magnetic material.

(5) As between specific ferrite magnetic materials of Claims 8 or 9 (now Claims 15 or 16), Applicants elect Mn-Mg-Zn.

(6) As between specific ferromagnetic magnetic materials of Claims 8 or 9 (now Claims 15 or 16), Applicants elect iron carbonyl.

(7) As between specific dielectric magnetic materials of Claims 8 or 9 (now Claims 15 or 16), Applicants elect BaO-TiO<sub>2</sub>-Nd<sub>2</sub>O<sub>3</sub>.

The above elections are for search purposes only, and are made **with traverse**.

Claims 1-16 read on all the elected species (1)-(7) above.

Restriction is proper only if the claims of the restricted groups are independent or patentably distinct and there would be a serious burden placed on the Examiner if restriction is not required (M.P.E.P. § 803). The burden of proof is on the Examiner to provide reasons and/or examples, to support any conclusion in regard to patentable distinctness (M.P.E.P. § 803). Applicants respectfully traverse the Election of Species Requirement on the grounds that the Examiner has not carried the burden of providing any reason and/or examples to support any conclusion that the claims of the restricted groups are patentably distinct.

Applicants make no statement regarding the patentable distinctness of the species, but note that for restriction to be proper, there must be a patentable difference between the species as claimed (M.P.E.P. § 808.01(a)). The Office has not provided any reasons or examples to support a conclusion that the species are indeed patentably distinct. Accordingly, Applicants respectfully submit that the restriction is improper, and Applicants' election of species is for examination purposes only.

The electronic component of the elected invention, as recited in Claim 1, is defined as comprising a cloth-containing core substrate made by forming a resinous material, or a composite material obtained by mixing a resin and a powdery functional material into a thin sheet; a thin-film conductor formed and patterned by thin-film forming technology on at least either of front and rear surfaces of the core substrate; a clothless layer superposed on at least that surface of the core substrate on which the thin-film conductor has been formed, and formed from a clothless resin-coated metal foil obtained by coating one surface of a metal foil with a resinous material, or a composite material obtained by mixing a resin and a powdery functional material, the metal foil being patterned. Applicants respectfully submit that the Office has not shown that a serious burden exists in searching and examining such claims *in toto*, regardless of which materials are used for the resin and/or powdery functional material.

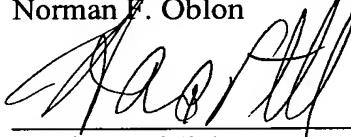
Finally, with respect to the elected species, Applicants respectfully submit that, should the elected species be found allowable, the Office should expand its search to the non-elected species.

For the reasons presented above, Applicants submit that the Office has failed to meet the burden necessary in order to sustain the Election of Species Requirement. Therefore, withdrawal of the Election of Species Requirement is respectfully requested.

Applicants submit this application is now in condition for examination on the merits and early notification of such action is earnestly solicited.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.  
Norman F. Oblon

  
Harris A. Pitlick  
Registration No. 38,779

Customer Number

22850

Tel: (703) 413-3000  
Fax: (703) 413 -2220  
(OSMMN 06/04)

NFO:HAP\